

FILED
US DISTRICT COURT
DISTRICT OF NEBRASKA
NOV - 2 2009
OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

★ DAVID J. YOUNG,

Plaintiff,

vs.

STUART J. DORNAN, individually
and in his official capacity;
DOUGLAS COUNTY, NEBRASKA
A political subdivision of the State of
Nebraska; CITY OF OMAHA, A
political subdivision of the State of
Nebraska; JENNA R. JOHNSON;
WILLIAM J. JOHNSON;
BRIDGETTE JOHNSON; SANDRA
L. DENTON, individually and in her
official capacity; MATTHEW
R. KAHLER, individually and in his
official capacity; JENNIFER
THOMPSON, individually and in her
official capacity; ANGIE CIRCO,
individually and in her official capacity;
ALAN REYES, individually and in
his official capacity; TERESA
NEGRON, individually and in her
official capacity; JOHN DOE #1,
real and true name unknown; JANE
DOE #1, real and true name unknown

Defendants.

Case No. 8:07-cv-00265

ORDER ON FINAL PRETRIAL
CONFERENCE

A final pretrial conference was held on the 2nd day of November, 2009.
Appearing for the parties as counsel was:

★ Parties shall amend the caption to reflect existing parties.

AT [Signature]

Appearing for the Plaintiff:

Mr. Thomas J. Young
Attorney at Law
2433 South 130th Circle
Omaha, NE 68144

Appearing for the Defendant Jenna Johnson:

Mr. Douglas L. Phillips
Klass Law Firm, L.L.P.
4280 Sergeant Road
Mayfair Center, Suite 290
Sioux City, IA 51106

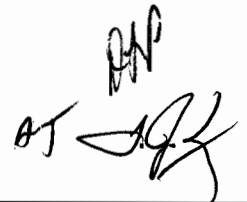
Appearing for the Defendants City of Omaha, Angie Circo, and Alan Reyes:

Mr. Alan M. Thelen
City of Omaha Law Department
1819 Farnam Street, Suite 804
Omaha, NE 68183

(A) Exhibits. See attached Exhibit List.

(B) Uncontroverted Facts. The parties have agreed that the following may be accepted as established facts for purposes of this case only:

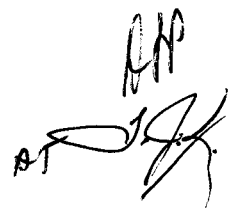
1. The Plaintiff David J. Young, and the Defendants Angie Circo, Alan Reyes, and Jenna Johnson are citizens of the United States of America.
2. Angie Circo is a police officer, and Alan Reyes is a police sergeant, both employed by the Omaha Police Department.
3. This is a civil action arising out of the events that occurred on the morning of June 5, 2005, between the Plaintiff, David J. Young, and the Defendant, Jenna Johnson, at Davis Hall on the Creighton University campus, and the subsequent investigation and criminal case arising from those events.
4. Johnson, at approximately 12:50 p.m. on June 5, 2005, made a report regarding those events to Creighton University officials/employees. On the evening of June 5, 2005, Johnson called the Omaha Police Department and left a message that she wished to report a sexual assault. On June 6, 2005, an officer of the Omaha Police Department met with Johnson; and she reported a sexual assault by Young.
5. The Defendant Angie Circo, an officer of the Omaha Police Department, was primarily responsible for investigating Johnson's allegations. On June

AT 

16, 2005, Circo interviewed Johnson at a location known as Project Harmony, which interview was videotaped.

6. On June 20, 2005, Johnson placed a telephone call to Young, in which they discussed the events of June 5, 2005. This call, known as a "one-party consent call," was tape recorded by Circo, with Johnson's permission.
7. On July 26, 2005, Alan Reyes, a sergeant with the Omaha Police Department, interviewed Young, which was videotaped. In the course of the interview he obtained a DNA sample from Young.
8. On August 18, 2005, Circo prepared and signed an affidavit to obtain an arrest warrant for Young. On August 19, 2005, she presented that affidavit to a Douglas County Court judge, who signed an arrest warrant charging Young with first degree sexual assault. Young was arrested at the Creighton University campus on August 24, 2005.
9. Young's criminal prosecution was before the Douglas County District Court. The prosecutors from the Douglas County Attorneys' Office handling this case were Sandra L. Denton and Matthew R. Kahler. Denton filed with the court a charge of first degree sexual assault against Young.
10. Young's criminal trial on first degree sexual assault charges was scheduled for trial on July 17, 2006. On July 12, 2006, Circo signed an affidavit and application for a search warrant to obtain certain records regarding Young at Creighton University. The no-knock search warrant was signed by a Douglas County Court judge and was served on Creighton University. Creighton University provided copies of the requested records to Circo who then provided these records to prosecutors Denton and Kahler.
11. Young's criminal trial was concluded on July 24, 2006.
12. On July 30, 2006, in the early morning hours, Young was pulled over by an Omaha police officer for an alleged improper vehicular turn. Young was issued a citation by the officer for improper turn and no driver's license on his person. . Later, Young pled guilty to not having a driver's license on his person, and in return the improper turn charge was dismissed.

(C) Controverted and Unresolved Issues. The issues remaining to be determined and unresolved matters for the Court's attention are:

A handwritten signature in black ink, appearing to be "AT" followed by a stylized flourish.

Still pending before the Court are Motions for Summary Judgment filed on behalf of the Defendants Circo, Reyes, City of Omaha and Johnson (Filing Nos. 214 and 211); Plaintiff's Motion in Limine (Filing No. 188) and Plaintiff's Motion to Strike (Filing No. 226).

42 U.S.C. §1983 — *To be tried in subsequent proceeding as to City only.*

1. Whether any of the individual Defendants deprived Young of his rights secured by the Constitution and the laws of the United States.
2. If any such deprivation occurred, then whether it was under color of law.
3. Whether Johnson and any individual acting under color of law conspired to, and did, violate any of Young's constitutional rights.
4. Whether any of the individual Defendants are entitled to qualified immunity.
5. Whether Young's claim based on the July 30, 2006, traffic stop is barred by collateral estoppel and/or res judicata.
6. If any individual Defendant is found liable to Young, then the extent of damages due Young for the deprivation inclusive of attorney fees and, punitive damages with regard to the individual defendants and costs.
7. Young's alleged special damages are itemized as follows: \$25,000.00 expended for attorney fees in defense of his criminal action and \$500,000.00 against each individual Defendant as punitive damages.
8. If Young's claims are dismissed, then whether any Defendant is entitled to an award of attorney fees or court costs. Plaintiff disputes the existence of this issue.

Trial of the §1983 action against the City of Omaha has been bifurcated for a later and separate trial, if needed, pursuant to Filing No. 51.

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False Imprisonment

1. Whether any of the individual Defendants caused or themselves intentionally and unlawfully restrained Young's personal liberty and subjected him to unlawful restraint of movement.
2. Whether there was probable cause to believe that Plaintiff committed a crime. Plaintiff disputes that probable cause is an element of his cause of action for false imprisonment.
3. Whether this claim is barred by NEB. REV. STAT. § 13-910(7) as to any of the individual defendants.
4. If any individual Defendant is found liable to Young, then the extent of proximately caused damages sustained by Young.
5. Young's alleged special damages are itemized as follows: \$25,000.00 expended for attorney fees in defense of his criminal action.

Malicious Prosecution

1. Whether Young proves all of the following elements as to any individual Defendant:
 - (a) That Defendant caused a criminal proceeding to be filed against Young;
 - (b) That Defendant did not have probable cause for causing the proceeding to be filed;
 - (c) That Defendant was motivated by malice;
 - (d) The proceeding was a proximate cause of some damages to Young;
 - (e) The nature and extent of that damage.
2. Whether this claim is barred by NEB. REV. STAT. § 13-910(7) as to any individual Defendants.

Young's alleged special damages are itemized as follows: \$25,000.00 expended for attorney fees in defense of his criminal action.

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Abuse of Process

1. Whether any of the individual Defendants (a) committed an act in the use of process not proper in the regular prosecution of the proceeding, and (b) did so with an ulterior purpose.
2. Whether this claim is barred by Neb. Rev. Stat. sec. 13-910(7) as to any of the individual Defendants.
3. If any Defendant is found liable to Young, then the extent of any proximately caused damages sustained by Young.
4. Young's alleged special damages are itemized as follows: \$25,000.00 expended for attorney fees in defense of his criminal action.

The Defendants Circo and Reyes assert that the false imprisonment, malicious prosecution, and abuse of process state law tort claims against the Defendants Circo and Reyes must be tried to the Court and not to the jury, pursuant to NEB. REV. STAT. § 13-907. The Plaintiff asserts that those claims must be tried to the jury.

(D) Witnesses. All witnesses, including rebuttal witnesses, expected to be called to testify by Plaintiff, except those who may be called for impeachment purposes as defined in NECivR 16.2(c) only, are:

David J. Young
c/o Thomas J. Young
2433 South 130th Circle
Omaha, NE 68144

Angie Circo
c/o Alan Thelen
1819 Farnam Street, #804
Omaha, NE 68183

Alan Reyes
c/o Alan Thelen
1819 Farnam Street, #804
Omaha, NE 68183

AT



Amy Bones
Creighton University
2500 California Plaza
Omaha, NE 68178

Andrew Perrone
Creighton University
2500 California Plaza
Omaha, NE 68178

David Martins
Creighton University
2500 California Plaza
Omaha, NE 68178

Patrick Borchers
Creighton University
2500 California Plaza
Omaha, NE 68178

Sandra Denton
1620 Dodge Street
Suite 1400
Omaha, NE 68183

Matthew R. Kahler
209 South 19th Street
Suite 500
Omaha, NE 68102

Jenna Johnson
c/o Mr. Douglas Phillips
Klass Law Firm, L.L.P.
4280 Sergeant Road
Mayfair Center, Suite 290
Sioux City, IA 51106

Michael C. Cox
Attorney at Law
One Pacific Place
1125 South 103rd Street
Suite 800
Omaha, NE 68124

AT J.G.F.

Jennie L. Young
1623 Farnam Street
Suite 500
Omaha, NE 68102

Teresa Negron
505 South 15th Street
Omaha, NE 68102

Todd Murphy
Universal Information Services, Inc.
1623 Farnam Street, Suite 600
Omaha, NE 68102
(Defendants object to any expert testimony or opinions from Todd Murphy)

Witnesses which the Plaintiff may call as witnesses at trial are:

Annette Schmeling, RSCJ
Creighton University
2500 California Street
Omaha, NE 68178

Desiree Shipman
Creighton University
2500 California Street
Omaha, NE 68178

Officer John Villwok
505 South 15th Street
Omaha, NE 68102

Stuart J. Dornan
1403 Farnam Street, Suite 232
Omaha, NE 68102

James Martin Davis
1623 Farnam Street, Suite 500
Omaha, NE 68102

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Plaintiff may also call any witness identified by any other party in this action and if necessary, foundational witnesses with regard to any exhibit.

All witnesses expected to be called to testify by Defendants City of Omaha, Angie Circo, and Alan Reyes, except those who may be called for impeachment purposes as defined in NECivR 16.2(c) only, are:

The following will be called as witnesses at trial:

Angie Circo, 505 S. 15th St., Omaha, NE, 444-5600

Alan Reyes, 505 S. 15th St., Omaha, NE, 444-5600

John Villwok, 505 S. 15th St., Omaha, NE, 444-5600

Sandra L. Denton, 1620 Dodge St., #1400, Omaha, NE 661-3700

Matthew R. Kahler, 209 So. 19th St. #500, Omaha, NE 345-1153

Samuel Weston, Douglas County 911 Communications Dept., 3603 No. 156th St., Omaha, NE 444-5800

Jenna Johnson, c/o her counsel of record Douglas L. Phillips

Plaintiff David J. Young, c/o his counsel of record Thomas Young

Barry G. Dickey, 506 Marquis Lane, Mansfield TX, (817) 417-0778

The following may be called as witnesses at trial:

Darren M. Cunningham, 505 S. 15th St., Omaha, NE, 444-5600

Trevor O'Brien, 505 S. 15th St., Omaha, NE, 444-5600

Teresa Negron, 505 S. 15th St., Omaha, NE, 444-5600

Dennis Jackson, 505 S. 15th St., Omaha, NE, 444-5600

Lauren Kjelden Black, 12222 So. 34th St., Bellevue NE 895-5286

Sarah Arpin, 208 So. 12th St., Salina, KS 67401 (will probably testify via deposition or prior testimony)

Michael R. Kelly, Creighton University, 2500 California St. Omaha, NE 280-2735

Jacqueline Anderreg, 8905 Hickory St., Omaha, NE 397-7221

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Kathryn Batson, Physicians Clinic, 10060 Regency Circle, Omaha, NE 354-1570

Dr. James Crew, 6828 No. 72nd St., Omaha, NE 572-3900

Hon. Leigh Ann Retelsdorf, 17th and Farnam St., Omaha, NE 444-7018

Cindy Fendrick, Creighton University, 2500 California St., Omaha, NE 546-6311

Amy Bones, 2500 California St., Omaha, NE 280-2180

Stuart J. Dornan, 1403 Farnam St., Suite 232, Omaha, NE, 884-7044

Jennifer Thompson, 1902 Harlan Dr., #A, Bellevue, NE 292-7700

Jenny Young, 1623 Farnam St., #400, Omaha, NE 341-9900

James Martin Davis, 1623 Farnam St., #400, Omaha, NE 341-9900

Hon. Craig Q. McDermott, 1701 Farnam St., Omaha, NE 444-7119

Patrick Borchers, Creighton University, 2500 California Plaza, Omaha, NE 280-4076

Julie Nearman, 2500 California Plaza, Omaha, NE 280-1205

Andrea Bashara, 2500 California Plaza, Omaha, NE, 280-3089

William J. Johnson, 660 J.E. George Blvd., Omaha, NE 561-6892

Michael C. Cox, One Pacific Place, #800, 1125 So. 103rd St., Omaha, NE 343-3703

Katie Ryan, current address and phone number unknown

Barry DeJong 1313 Farnam St., Omaha, NE 595-2850

Defendants may also call any witness identified by any other party in this case, and foundational witnesses where foundation for an exhibit is not stipulated.

All witnesses expected to be called to testify by defendant Jenna R. Johnson, except those who may be called for impeachment purposes as defined in NECivR 16.2(c) only, are:

The following will be called as witnesses at trial:

David Young, Plaintiff

Angie Circo, 505 S. 15th St., Omaha, NE, 444-5600



Alan Reyes, 505 S. 15th St., Omaha, NE, 444-5600

Sandra L. Denton, 1620 Dodge St., #1400, Omaha, NE 661-3700

Matthew R. Kahler, 209 So. 19th St. #500, Omaha, NE 345-1153

Jenna Johnson

The following may be called as witnesses at trial:

Judge Lawrence E. Barrett, 1701 Farnam Street, Omaha, NE 68183

Judge John E. Huber, 1701 Farnam Street, Omaha, NE 68183

Judge J. Russell Derr, 1701 Farnam Street, Omaha, NE 68183

John Villwok, 505 S. 15th St., Omaha, NE, 444-5600

Darren M. Cunningham, 505 S. 15th St., Omaha, NE, 444-5600

Samuel Weston, Douglas County 911 Communications Dept., 3603 No. 156th St., Omaha, NE 444-5800

Trevor O'Brien, 505 S. 15th St., Omaha, NE, 444-5600

Diana Hoffman, 505 S. 15th St., Omaha, NE, 444-5600

Katherine Belcastro-Gonzalez, 505 S. 15th St., Omaha, NE, 444-5600

Lauren Kjelden Black, 12222 So. 34th St., Bellevue NE 895-5286

Sarah Arpin, 208 So. 12th St., Salina, KS 67401

Michael R. Kelly, Creighton University, 2500 California St. Omaha, NE 280-2735

Jacqueline Anderreg, 8905 Hickory St., Omaha, NE 397-7221

Kathryn Batson, Physicians Clinic, 10060 Regency Circle, Omaha, NE 354-1570

Dr. James Crew, 6828 No. 72nd St., Omaha, NE 572-3900

Judge Leigh Ann Retelsdorf, 17th and Farnam St., Omaha, NE 444-7018

Jennifer Thompson, 1902 Harlan Dr., #A, Bellevue, NE 292-7700

Amy Bones, 2500 California Plaza, Omaha, NE 280-2180

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James Meuret, 103 Franklin St., PO Box 429, Brunswick, NE (402) 842-9017

Jenny Young, 1623 Farnam St., #400, Omaha, NE 341-9900

James Martin Davis, 1623 Farnam St., #400, Omaha, NE 341-9900

Judge Craig Q. McDermott, 1701 Farnam St., Omaha, NE 444-7119

Patrick Borchers, Creighton University, 2500 California Plaza, Omaha, NE 280-4076

William J. Johnson, 660 J.E. George Blvd., Omaha, NE 561-6892

Samantha Peterson, current address and phone number unknown

Katie Ryan, current address and phone number unknown

Dr. James D. Crew, 6828 N. 72nd Street, Suite 3100, Omaha, NE 68122

Stuart Jay Dornan, 1403 Farnam, Suite 232, Omaha, NE 68102

Teresa Negron, 505 South 15th Street, Omaha, NE 68102

Judge Edna Atkins, 1701 Farnam Street, Omaha, NE 68183

Defendants may also call any witness identified by any other party in this case, and foundational witnesses where foundation for an exhibit is not stipulated.

(E) Expert Witnesses' Qualifications.

Experts to be called by plaintiff and their qualifications are:

None

Experts to be called by Defendants City of Omaha, Circo and Reyes and their qualifications are:

Barry G. Dickey. His full curriculum vitae is contained in prior filings including Filing #198.

Experts to be called by defendant Jenna R. Johnson:

None

Handwritten signature and initials in the bottom right corner of the page. The signature appears to be "J.R.J." and the initials below it are "H".

(F) **Voir Dire.** Counsel have reviewed Federal Rule of Civil Procedure 47(a) and NECivR 47.2(a) and suggest the following with regard to the conduct of juror examination:

Voir dire initially conducted by the Court, with further examination by the parties.

(G) **Number of Jurors.** Counsel have reviewed Federal Rule of Civil Procedure 48 and NECivR 48.1 and suggest that this matter be tried to a jury composed of twelve (12) members.

(H) **Verdict.** The parties will not stipulate to a less-than-unanimous verdict.

(I) **Briefs, Instructions, and Proposed Findings.** Counsel have reviewed NECivR 39.2(a), 51.1(a), and 52.1, and suggest the following schedule for filing trial briefs, proposed jury instructions, and proposed findings of fact, as applicable: Per Court rule. *To be filed at least five business days before trial and the exhibit notebook (judge's copy) to be delivered at least five business days before trial.*

(J) **Length of Trial.** Counsel estimate the length of trial will consume not less than four (4) days, not more than six (6) days, and probably about five (5) days.

(K) **Trial Date.** Trial is set for November 16, 2009.

DAVID J. YOUNG, Plaintiff,

By: 

Thomas J. Young #14645
Attorney at Law
2433 South 130th Circle
Omaha, NE 68144
Tel: (402) 330-3700
tyoung@tconl.com

ATTORNEY FOR PLAINTIFF

AT

CITY OF OMAHA, ANGIE CIRCO and
ALAN REYES, Defendants,

By: 
Alan M. Thelen #17811
Deputy City Attorney
Timothy G. Himes #20544
Assistant City Attorney
804 Omaha/Civic Center
1819 Farnam Street
Omaha, NE 68183
Tel: (402) 444-5115
Fax: (402) 444-5125
athelen@ci.omaha.ne.us

ATTORNEYS FOR DEFENDANTS

JENNA JOHNSON, Defendants,

By: 
Douglas L. Phillips
Klass Law Firm, L.L.P.
Mayfair Center, Upper Level
4280 Sergeant Road, Suite 290
Sioux City, IA 51106
Tel: (712) 252-1866
Fax: (712) 252-5822
phillips@klasslaw.com

ATTORNEY FOR DEFENDANT

BY THE COURT:

Judge

11/2/09

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

DAVID J. YOUNG,

Plaintiff(s),

v.

DOUGLAS COUNTY, NEBRASKA
A political subdivision of the State of
Nebraska; CITY OF OMAHA, A
political subdivision of the State of
Nebraska; JENNA R. JOHNSON;
WILLIAM J. JOHNSON;
BRIDGETTE JOHNSON; SANDRA
L. DENTON, individually and in her
official capacity; MATTHEW
R. KAHLER, individually and in his
official capacity; JENNIFER
THOMPSON, individually and in her
official capacity; ANGIE CIRCO,
individually and in her official capacity;
ALAN REYES, individually and in
his official capacity; TERESA
NEGRON, individually and in her
official capacity; JOHN DOE #1,
real and true name unknown; JANE
DOE #1, real and true name unknown

Defendants.

LIST OF EXHIBITS

Case Number: 8:07-cv-00265

Courtroom Deputy:

Court Reporter:

EXHIBIT LIST

Trial Date(s):

EXHIBIT NO.								
PLF	DF	3 PTY	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD	DATE
1			Project Harmony videotape (6/16/05)			✓		
2			Affidavit for arrest warrant - Circo (8/18/05)			✓		
3			Arrest warrant (8/19/05)			✓		
4			Felony Complaint (8/18/05)			✓		
5			Order of Release from Custody (8/26/05)			✓		

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6		DVD - KETV news report (8/25/05)	R			
7		KETV web report (8/25/05)	R			
8		Amended information (7/14/06)		✓		
9		SOP - warrant applications		✓		
10		Affidavit and application for search warrant (7/12/06)		✓		
11		Search warrant, return, inventory		✓		
12		Traffic citation (7/30/06)		✓		
13		Circo handwritten notes (6/13/05 and 6/14/05)	H			
14		Circo handwritten notes - Shipman (6/15/05)	H			
15		Property report - audio tapes (7/1/05)		✓		
16		Circo handwritten notes - Denton (7/15/06)		✓		
17		Property report - Young's records at Creighton University (7/12/06)		✓		
18		Order re: Motion to Quash (4/27/06)	R			
19		Kahler praecipe - Young's records (7/7/06)	R			
20		Denton praecipe - Young's records (3/6/06)	R			
21		Order - Judge Derr (9/18/06)	R, H			
22		Record of arrest with mug shot	R			
23		Mittimus (7/24/06)	R			
		<u>EXHIBITS WHICH MAY BE USED</u>				
24		Audio tape of one-party consent call (6/20/05)				

25			Craig transcript - audio tap of one-party consent call					
26			Craig transcript - Project Harmony videotape					
27			Incident report Perrone		RH			
28			Incident report Martins		RH			
29			Davis letter to Denton (3/31/06) w/out enclosures					
30			Assignment re: Davis fee		R			
31			Young check to Davis for \$10,000.00 (7/28/06)					
32			Jennie Young telephone log (8/24/06)		RH			
33			Jennie Young timeline p. 8, July 28, 2006 entry		RH			
34			Reyes notes - Kahler call (7/06)					
35			Property report - buccal swab (7/26/06)					
36			Kahler letter to Circo re: destroy buccal swab (10/2/06)					
37			SOP Public Relations Policy - release of information		R			
38			Portion of Young v. Young Decree re: assignment		RH			
39			Sprint bill 8/24/06		RH			

OBJECTIONS

R: Relevancy
 H: Hearsay
 A: Authenticity
 O: Other (specify)



 J.B. AT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DAVID J. YOUNG,

Plaintiff,

vs.

STUART J. DORAN, individually and in his official capacity; DOUGLAS COUNTY, NEBRASKA A political subdivision of the State of Nebraska; CITY OF OMAHA, A political subdivision of the State of Nebraska; JENNA R. JOHNSON; WILLIAMS J. JOHNSON; BRIDGETTE JOHNSON; SANDRA L. DENTON, individually and in her official capacity; MATTHEW R. KAHLER, Individually and his official capacity; JENNIFER THOMPSON, individually and in her official capacity; ANGIE CIRCO, individually and in her official capacity; ALAN REYES, individually as in his official capacity; TERESA NEGRON, individually and in her official capacity; JOHN DOE #1, real and true name unknown; JANE DOE #1, real and true name unknown,

Defendants.

CASE NO. 8:07-cv-00265

**DEFENDANT JENNA JOHNSON'S
EXHIBIT LIST**

COMES NOW Defendant Jenna Johnson and designates the following as exhibits

which she may offer at trial:*

Exhibit Number	Description	Stipulated As To Foundation?	Stipulated As To Admissibility?	Objected To At Time of Trial?	Offered (Y/N)	Admitted (Y/N)
101	Deposition of Jenna R. Johnson, <i>State v. Young</i> , Doc. 167 No. 192 (March 17,	RMO				

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	2006)					
102	Testimony of Jenna R. Johnson, <i>State v. Young</i> , Doc. 167 No. 192	RMO				
103	Xanga Site Postings, September 23, 2005 – January 29, 2006	FHRMO				
104	Email from K. Heithoff to J. Young, April 3, 2008					✓
105	Assignment					✓
106	Journal Entry and Order, <i>State v. Young</i> , (August 26, 2005)	RO				
107	Plea in Abatement, <i>State v. Young</i> , Doc. 167 No. 192	RO				
108	Praecipe for Subpoena, <i>State v. Young</i> , Doc. 167 No. 192 (March 6, 2006)					✓
109	Praecipe for					

J.F.S. AT

	Subpoena, <i>State v. Young</i> , Doc. 167 No. 192 (June 30, 2006)					✓
110	Order, <i>State v. Young</i> , Doc. 167 No. 192 (July 25, 2006)	RMO				
111	Anderegg File	RFMO				
112	Alegent Health Family Care Records, July 14, 2003	RFMO				
113	Complaint, <i>Young v. Doman, et al.</i> , No. 8:07CV265	O				

* Defendant adopts the exhibit list submitted by the City Defendants as her own and reserves the right to offer any exhibit designated by any other party.

AT

Respectfully submitted,

Douglas L. Phillips #20222
KLASS LAW FIRM, L.L.P.
Mayfair Center, Upper Level
4280 Sergeant Road, Suite 290
Sioux City, IA 51106
phillips@klasslaw.com
WWW.KLASSLAW.COM
712/252-1866
712/252-5822 fax

ATTORNEYS FOR DEFENDANT JENNA
JOHNSON

Copy to:

Thomas J. Young
2433 South 130th Circle
Omaha, NE 68144

Alan M. Thelen
804 Omaha / Douglas Civic Center
1819 Farnam Street
Omaha, NE 68183

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing
instrument was served upon all parties to the
above cause to each of the attorneys of record
herein at their respective addresses disclosed
on the pleading on _____, 2009

By: ☐ U.S. Mail ☐ facsimile
☐ Hand delivered ☐ Overnight courier
☐ Other ☐ ECF

Signature _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DAVID J. YOUNG,

Plaintiff(s),

vs.

STUART J. DORNAN et al.

Defendant(s).

Case No. 8:07CV265

Courtroom Deputy_____

Reporter_____

**CITY DEFENDANTS'
LIST OF EXHIBITS**

Trial Dates:_____

EXHIBIT NUMBER			DESCRIPTION	WILL		MAY	OBJ	NOT		DATE
PL	DF	3PTY		OFFER	OFFER			REC'D	REC'D	
	201		Incident Report, 6/6/05, 6 pages;	X			HF			
	202		Supplemental Report - Sexual Assault report 6/6/05, 1 page;	X			HF			
	203		Transcript of 6-16-05 Johnson/Circo interview, 85 pages	X			RO			
	204		Audio tapes of 6-20-05 Johnson/Young call	X			R			
	205		Police transcript of one party consent phone call - 6/20/05, 22 pages	X			FRO			
	206		Supplemental Report by Circo - 7/1/05, 8 pages		X		HF			
	207		Supplemental Report/police transcript of Young interview - 46 pages	X			FRO			
	208		Rights Advisory Form, David Young - 7/26/05, 1 page;	X				✓		
	209		Request for Lab Services, Buccal swab 7/26/05, 1 page;		X					
	210		OPD Permission for Search - Buccal swab - 1 page	X				✓		
	211		Property Report regarding Buccal swab - 7/26/05, with 10-12-06 notation - 1 page;	X			FH			
	212		Supplemental Report of Reyes re Young interview - 7-27-05 - 7 pages		X		HO			
	213		Supplemental Report of Circo 8/2/05 re: Ryan & Peterson, 1 page	X			HO			
	214		Affidavit of complaining witness (Angie Circo) - 8/18/05 (3 pages)	X				✓		
	215		Arrest warrant, 8/19/05	X			O			

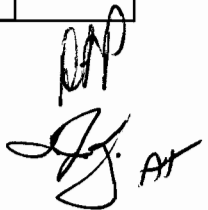


EXHIBIT NUMBER			DESCRIPTION	WILL	MAY	OBJ	NOT		
PL	DF	3PTY		OFFER	OFFER		REC'D	REC'D	DATE
	216		Felony complaint, 8/18/05	X			✓		
	217		Order for Release – 8/24/05 – 1 page		X				
	218		Preliminary hearing journal entry and order, 11/2/05	X		RO			
	219		Transcript of docket, Douglas County Court, 11/2/05	X		RO			
	220		Information, 11/3/05 (3 pages)	X			✓		
	221		Amended information, 7/14/06 (3 pages)	X			✓		
	222		Order denying plea in abatement, 3/9/06 (5 pages)	X		RO			
	223		Davis 3-31-06 letter to Denton re Creighton records		X	HF on attach- ments			
	224		Reyes note to Circo		X				
	225		Supplemental Report of Circo re Kjelden interview – 7/14/06, 7 pages	X		HFR			
	226		Supplemental Report – Sara Arpin interview – 7/17/06, 7 pages	X		HFR			
	227		Creighton University Incident Report K10304-113 – 3/14/03(sic) - Sarah Arpin - 10 pages		X	HFR			
	228		Creighton file records on Arpin incident – 3/22/04		X	HFR			
	229		Creighton University Counseling & Psychological Services – Psych Evaluation – David Young 6/8/04 – 3 pages		X	HFRM			
	230		Creighton University Incident Report – Chris Prokopanko – K10304-116 – 3/20/04 – 2 pages		X	HFRM			
	231		Sanction Letter – Young threatened physical harm – 4-25-05 – 5 pages		X	HFRM			
	232		4-21-05 Discipline Summary Report, 1 page		X	HFRM			
	233		2-27-05 Incident Report re Swanson Hall incident, 3 pages		X	HFRM			
	234		4-5-04 Discipline Summary Report		X	HFRM			
	235		Letter from Wayne Young to David Young w/attachments re: Psychological Services 3/2/05 – 8 pages;		X	HFRM			
	236		Fendrick 2-27-05 report, 2 pages		X	HFRM			
	237		Counseling and Psychological Services Memorandum – June 05 – Michael Kelley – 3 pages		X	HFRM			
	238		Shipman email – June 6, 2005 – 1 page		X	HFRM			
	239		SOP – warrant applications		X				

MP
J.F. AT

Read

240	Affidavit and application for search warrant, 7/12/06 (4 pages)	X			✓		
241	Search warrant and return and inventory (3 pages)	X			✓		
242	Arpin testimony from <i>State v. Young</i>		X	RM			
243	Arpin deposition		X	FRM			
244	7-30-06 Citation	X			✓		
245	Douglas County 911 audiotape, 7-30-06		X				
246	Douglas County 911 spreadsheet on 7-30-06 call	X			✓		
247	8-24-06 Shipman letter to Johnson		X	HFRM			
248	Order, 9/20/06 (4 pages)		X				
249	Letter from Douglas County Attorney to OPD to destroy Buccal Swab dated 10/2/06 -- 1 page	X			✓		
250	Circo fax sheet to Property Unit, with memo for swab destruction and attachments - 4 pages	X		F			
251	Young Xanga entries		X	FHRM O			
252	Young letter to Arpin		X	RO			
253	Young law school application file		X	FHRM O			
254	Young Facebook/Xanga entries from Creighton Law School file		X	FHRM O			
255	Plaintiff's response to request for production of documents no. 17	X		RO			
256	Dickey Curriculum Vitae	X	HFRM				
257	Dickey report		X	FHRM O			
258	Dickey photographs (p. 5 of report)	X		FHRM O			
259	Dickey photographs (p. 6 of report)	X		FRHM O			
260	AES Standard 43-2000		X	RMO			
261	"Authentication of Forensic Audio Recordings," by Bruce Koenig		X	RMO			
262	Tape recorder	X		RMO			
263	Videotape of 6-16-05 Johnson/Circo interview		X				
264	Videotape of 7-26-05 Young interview		X	O if not re-dacted			

RPD
J. J. F. AR